

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA**

Matthew G. Friederichs, M.D.,

Plaintiff,

vs.

Sanford Health,

Defendant.

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Case No. 3:22-cv-8

**ORDER FOLLOWING FINAL
PRETRIAL CONFERENCE**

The court held a final pretrial conference on August 14, 2024. As discussed at the conference, the court orders the following:

- (1) By **August 21, 2024**, counsel shall submit revised exhibits lists, which include all stipulations as to foundation and/or admissibility, via email to ndd_J-Senechal@ndd.uscourts.gov.
- (2) Each party shall file its trial memorandum by **August 21, 2024**. Trial memoranda must include a general statement of the case, citation to the authority upon which the party relies on unresolved legal issues, a general statement of the evidence to be offered, and a statement of any evidentiary or procedural problem expected to arise, with citations to authority.
- (3) The parties shall submit proposed jury instructions by **August 21, 2024**, to ndd_J-Welte@ndd.uscourts.gov. The parties shall indicate which instructions are intended only as to exemplary damages.
- (4) The parties shall jointly prepare a brief, neutral statement of the case, to be read to the jury panel at the outset of trial, and submit it to ndd_J-Welte@ndd.uscourts.gov by **August 23, 2024**.

- (5) The district judge will conduct the primary voir dire of the jury panel. The parties may submit proposed voir dire questions to be asked of the jury panel by the district judge. Any proposed voir dire questions must be submitted to ndd_J-Welte@ndd.uscourts.gov by **August 23, 2024**.
- (6) After the district judge's questioning of the panel is complete, counsel for each side will be allowed fifteen to twenty minutes to question the jury panel.
- (7) Each party will be allowed to exercise three peremptory challenges.
- (8) A twelve-person jury will be empaneled with no alternate jurors.
- (9) Counsel must provide a binder with copies of exhibits for the district judge. Audio recordings and excel spreadsheets must be provided on a thumb drive.
- (10) No time limit will be placed on the parties' opening and closing statements. Each party may use stipulated exhibits during opening statements, but prior to opening statements, counsel must advise the court of any exhibits they have agreed may be used during opening statements.
- (11) Neither party requests witness sequestration. Counsel are to discuss witness duplication and whether those witnesses may be called more than once. Counsel will also discuss an agreement for advising opposing counsel of planned order of witnesses.
- (12) Plaintiff may file a motion regarding potential remote testimony of Sherry Teal by **August 21, 2024**. Defendant will respond to that motion within 24 hours.

- (13) After the trial concludes, the parties may move to seal certain exhibits personally identifying information that cannot practically be redacted.
- (14) Trial will begin at approximately 8:30 a.m. each day, except for the first day, and end by 4:30 p.m. to 5:00 p.m. each day. Lunch breaks will be approximately one hour to one hour and fifteen minutes in length. There will be one mid-morning break and one mid-afternoon break of approximately twenty minutes each.
- (15) The parties estimate the length of trial to be seven days. Trial will not be held on September 2, 2024.

IT IS SO ORDERED.

Dated this 19th day of August, 2024.

/s/ Alice R. Senechal
Alice R. Senechal
United States Magistrate Judge